

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA : SUPERSEDING INDICTMENT
:
- v. - : S1 17 Cr. 548 (PAC)
:
JOSHUA ADAM SCHULTE, :
:
Defendant. :
:
- - - - - X

COUNT ONE

(Illegal Gathering of National Defense Information)

The Grand Jury charges:

1. In or about 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, copied, took, made, and obtained, a sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note connected with the national defense, to wit, SCHULTE took information (the "Classified Information") maintained by an intelligence agency of the United States (the "U.S. Intelligence Agency"), which concerned, among other things, the intelligence gathering capabilities of the U.S. Intelligence Agency and which had been determined by the United States Government pursuant to an

Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, for the purpose of providing it to, and causing it to be provided to, an organization that purports to publicly disseminate classified, sensitive, and confidential information ("Organization-1"), which posted the Classified Information on the Internet.

(Title 18, United States Code, Sections 793(b) and 2.)

COUNT TWO
(Illegal Transmission of Lawfully Possessed National Defense Information)

The Grand Jury further charges:

2. In or about 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, lawfully having possession of, access to, control over, and being entrusted with information relating to the national defense, to wit, certain portions of the Classified Information, which information the defendant had reason to believe could be used to the injury of the United States and to the advantage of a foreign nation, did knowingly and willfully communicate, deliver and transmit, and cause to be communicated, delivered, and transmitted, that aforesaid information to a person not entitled to receive it, to wit, Schulte caused the Classified Information to be transmitted to Organization-1.

(Title 18, United States Code, Sections 793(d) and 2.)

COUNT THREE
(Illegal Transmission of Unlawfully
Possessed National Defense Information)

The Grand Jury further charges:

3. In or about 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, having unauthorized possession of, access to, and control over records containing information related to the national defense, willfully retained the records and failed to deliver it to the officer or employee of the United States entitled to receive it, and willfully transmitted the same to a person not entitled to receive it, to wit, SCHULTE retained a portion of the Classified Information to which he did not have lawful access and caused it to be transmitted to Organization-1.

(Title 18, United States Code, Sections 793(e) and 2.)

COUNT FOUR
(Unauthorized Access to a Computer To
Obtain Classified Information)

The Grand Jury further charges:

4. In or about 2016, JOSHUA ADAM SCHULTE, the defendant, in the Eastern District of Virginia and elsewhere, knowingly accessed a computer without authorization and exceeded authorized access and thereby obtained information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or

foreign relations, or any restricted data, as defined in paragraph y of section 11 of the Atomic Energy Act of 1954, with reason to believe that such information so obtained could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicated, delivered, transmitted, and caused to be communicated, delivered, or transmitted, and attempted to communicate, deliver, transmit and caused to be communicated, delivered, or transmitted the same to any person not entitled to receive it, and willfully retained the same and failed to deliver it to the officer or employee of the United States entitled to receive it, to wit, SCHULTE exceeded his authorized access on a computer to obtain the Classified Information and caused the Classified Information to be transmitted to Organization-1, which posted the Classified Information online.

(Title 18, United States Code, Sections 1030(a)(1) and 2.)

COUNT FIVE
(Theft of Government Property)

The Grand Jury further charges:

5. In or about 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, did embezzle, steal, purloin, and knowingly convert to his use, vouchers, money and things of value of the United States, which exceeded the sum of \$1,000, and did receive, conceal, and retain the same

with intent to convert it to his own use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, SCHULTE unlawfully obtained the Classified Information.

(Title 18, United States Code, Sections 641 and 2.)

COUNT SIX

(Unauthorized Access of a Computer to Obtain Information from a Department or Agency of the United States)

The Grand Jury further charges:

6. In or about 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, intentionally accessed a computer without authorization and exceeded authorized access and thereby obtained information from a department or agency of the United States, to wit, SCHULTE accessed a computer without authorization and in excess of his authorization obtained the Classified Information belonging to the U.S. Intelligence Agency.

(Title 18, United States Code, Sections 1030(a)(2)(B) and 2.)

COUNT SEVEN

(Causing Transmission of a Harmful Computer Program, Information, Code, or Command)

The Grand Jury further charges:

7. From at least in or about March 2016, up to and including at least in or about June 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, knowingly caused the transmission of a program, information, code, or command, and as a result of such conduct,

intentionally caused damage without authorization, to a protected computer, to wit, SCHULTE altered a computer system operated by the U.S. Intelligence Agency for the purpose of granting himself access to the system, deleting records of his activities, and denying others access to the system.

(Title 18, United States Code, Sections 1030(a)(5)(A) and 2.)

COUNT EIGHT
(Making False Statements)

The Grand jury further charges:

8. From at least in or about March 2017, up to and including at least in or about November 2017, in the Southern District of New York and elsewhere, JOSHUA ADAM SCHULTE, the defendant, in a matter within the jurisdiction of the executive branch of the government of the United States, knowingly and willfully falsified, concealed, and covered up by any trick, scheme, and device a material fact and made materially false, fictitious, and fraudulent statements and representations, to wit, during an interview with, among others, representatives of the Federal Bureau of Investigation, SCHULTE made misrepresentations in connection with the criminal conduct charged in Counts One through Seven of this Indictment.

(Title 18, United States Code, Section 1001.)

COUNT NINE
(Obstruction of Justice)

The Grand Jury further charges:

9. From at least in or about March 2017, up to and including at least in or about November 2017, in the Southern District of New York and elsewhere, JOSHUA ADAM SCHULTE, the defendant, did corruptly obstruct, influence, and impede, and endeavored to obstruct, influence, and impede the due administration of justice in a federal grand jury in the Southern District of New York by making the material false statements charged in Count Eight of this Indictment.

(Title 18, United States Code, Section 1503.)

COUNT TEN
(Receipt of Child Pornography)

The Grand Jury further charges:

10. From at least in or about 2009, up to and including at least in or about March 2017, in the Southern District of New York and elsewhere, JOSHUA ADAM SCHULTE, the defendant, knowingly did receive and attempt to receive material that contained child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, SCHULTE downloaded

from the Internet electronic files depicting child pornography.

(Title 18, United States Code, Sections 2252A(a)(2)(B), (b)(1) and 2.)

COUNT ELEVEN

(Possession of Child Pornography)

The Grand Jury further charges:

11. From at least in or about 2009, up to and including at least in or about March 2017, in the Southern District of New York and elsewhere, JOSHUA ADAM SCHULTE, the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, SCHULTE accessed with intent to view and possessed images and videos of child pornography at his residence in New York, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2) and 2.)

COUNT TWELVE
(Transportation of Child Pornography)

The Grand Jury further charges:

12. In or about November 2016, in the Southern District of New York and elsewhere, JOSHUA ADAM SCHULTE, the defendant, knowingly did mail and transport and ship using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, child pornography, to wit, SCHULTE transported and caused to be transported from Virginia to New York, New York, a computer containing images and videos of child pornography.

(Title 18, United States Code, Section 2252A(a)(1).)

COUNT THIRTEEN
(Criminal Copyright Infringement)

The Grand Jury further charges:

13. From at least in or about September 2015, up to and including at least in or about August 2017, in the Southern District of New York and elsewhere, JOSHUA ADAM SCHULTE, the defendant, unlawfully, willfully, and knowingly did infringe copyrights by the reproduction and distribution, including by electronic means and by making it available on a computer network accessible to members of the public, during a 180-day period, of ten and more copies and phonorecords, of one and more copyrighted works, which had a total retail value of more than \$2,500, to wit, without authorization, SCHULTE maintained a

computer server that housed thousands of copyrighted movies, television shows, and audio recordings, which SCHULTE shared with others by electronic means and using the Internet.

(Title 17, United States Code, Section 506(a)(1)(A) and Title 18, United States Code, Section 2319(b)(1).)

FORFEITURE ALLEGATIONS

14. As a result of committing the offenses alleged in Counts One, Two, and Three of this Indictment, JOSHUA ADAM SCHULTE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 793(h), any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, from any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, as the result of the commission of the offenses charged in Counts One, Two, and Three of this Indictment.

15. As a result of committing the offenses alleged in Counts Four, Six, and Seven of this Indictment, JOSHUA ADAM SCHULTE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1030(i), any interest in any personal property that was used or intended to be used to commit or to facilitate the commission of the conduct alleged in Counts Four, Six, and Seven of this Indictment; and any property, real or personal, constituting or derived from,

any proceeds that SCHULTE obtained, directly or indirectly, as a result of the commission of the offenses charged in Counts Four, Six, and Seven of this Indictment.

16. As a result of committing the offense charged in Count Five of this Indictment, JOSHUA ADAM SCHULTE, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a) (1) (C) and 28 U.S.C. § 2461, any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offense charged in Count Five of the Indictment.

17. As the result of committing the offenses alleged in Counts Ten, Eleven, and Twelve of this Indictment, JOSHUA ADAM SCHULTE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a), any visual depiction described in the offenses set forth in Counts Ten through Twelve, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18, United States Code, and any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses, and any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property.

18. As a result of committing the criminal copyright infringement offense alleged in Count Thirteen of this Indictment, JOSHUA ADAM SCHULTE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2323(b), all articles made or trafficked as part of the commission of the offense; all property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of offense; and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of the offense, including, but not limited to, United States currency representing the amount of proceeds obtained directly or indirectly as a result of the commission of the offense alleged in Count Thirteen.

(Title 18, United States Code, Sections 793(h), 981 & 982, 1030(i), 2253(a), 2323(b), Title 21 United States Code, Section 853(p); and Title 28, United States Code, Section 2461.)

Substitute Asset Provision

19. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the

court;

d. has been substantially diminished in value; or

e. has been commingled with other property which
cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21,
United States Code, Section 853(p), to seek forfeiture of any
other property of the defendant up to the value of the
forfeitable property described above.

(Title 21, United States Code, Section 853(p).)

[REDACTED]
FOREPERSON



GEOFFREY S. BERMAN
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

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(18 U.S.C. §§ 793, 1030, 2252A(a)(1),
2252A(a)(2)(B) and (b)(1),
2252(a)(5)(B) and (b)(2), and Section
2319(b)(1) and 2, and Title 17, United
States Code, Section 506(a)(1)(A).)

GEOFFREY S. BERMAN

United States Attorney

[Redacted]
Foreperson
